

**KOREIN TILLERY**

Steven A. Katz  
skatz@koreintillery.com  
Aaron M. Zigler  
azigler@koreintillery.com  
One U.S. Bank Plaza  
505 N. 7th St., Suite 3600  
St. Louis, MO 63101-1625  
Tel: (314) 241-4844 Fax: (314) 241-3525

**SQUITIERI & FEARON, LLP**

Olimpio Lee Squitieri  
lee@sfclasslaw.com  
32 E. 57th Street, 12th Floor  
New York, New York 10022  
Tel: (212) 421-6492 Fax: (212) 421-6553

*Attorneys for Movants.*

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE DIVISION**

ANGEL FRALEY; PAUL WANG; SUSAN  
MAINZER; JAMES H. DUVAL, a minor, by and  
through JAMES DUVAL, as Guardian ad Litem;  
and W.T., a minor, by and through RUSSELL  
TAIT, as Guardian ad Litem; individually and  
on behalf of all others similarly situated,

Plaintiffs,

v.

FACEBOOK, INC.,

Defendant.

Case No. 11-CV-1726 LKH (PSG)

**DECLARATION OF OLIMPIO LEE  
SQUITIERI IN FURTHER SUPPORT OF  
MOTION TO INTERVENE**

Date: July 12, 2012

Courtroom: 8

Judge: Hon. Lucy H. Koh

Trial Date: December 3, 2012

1 I, Olimpio Lee Squitieri, hereby state and declare:

2 1. I certify that the statements set forth in this instrument are true and correct. I make  
3 the following statements based on my personal knowledge and if called, I could competently  
4 testify to the matters stated herein.

5 2. I completed my undergraduate studies at Rutgers College (B.A.) in 1979.  
6 Thereafter, I attended New York Law School (J.D., 1983). I am an attorney duly licensed to  
7 practice before all Courts of the States of New Jersey (1983) and New York (1984). I have also  
8 been admitted to practice before the United States District Courts of New Jersey and Eastern and  
9 Southern New York as well as the United States Courts of Appeals for the Second, Third, Fifth  
10 and Seventh Circuits. I have also been admitted *Pro Hac Vice* this action to practice before this  
11 Court in *C.M.D. v. Facebook*, Civ. No. 12-01216-LHK (“*C.M.D. Action*”).

12 3. I am currently a partner of the firm of Squitieri & Fearon, one of the attorneys for  
13 the Plaintiffs in the *C.M.D. Action* (“*Intervenors*”).

14 4. I have substantial experience in plaintiffs’ consumer class actions, having  
15 recovered hundreds of millions of dollars for plaintiffs and class members in a variety of practices  
16 areas, including successfully litigated class actions in the antitrust, mergers and acquisitions,  
17 ERISA, consumer and labor areas of practice. I have also successfully prosecuted private and  
18 class action securities fraud and other types of claims on behalf of large investors.

19 5. Garry T. Stevens, Jr. is an attorney at Squitieri & Fearon, LLP. Mr. Stevens is  
20 licensed to practice in New York and New Jersey, as well as the United States District Courts of  
21 New Jersey and Eastern and Southern Districts of New York and United States Courts of Appeals  
22 for the Second and Third Circuits. He is also admitted *pro hac vice* in the *C.M.D. Action*.

23 6. Mr. Stevens joined the firm as an attorney following his graduation from Brooklyn  
24 Law School in 2008, where he served as Articles Editor for the Brooklyn Law Review. Mr.  
25 Stevens has had significant involvement with the briefing and argument in oppositions to  
26 dispositive motions such as *In re American International Group, Inc. ERISA Litig. II*, 08-CV-  
27 5722 (LTS) (KNF), 2011 WL 1226459 (S.D.N.Y. March 31, 2011) and *Veera v. Ambac Plan*  
28 *Administrative Committee et al*, 769 F. Supp. 2d 233 (S.D.N.Y. 2011). Mr. Stevens also aided in

1 the negotiations of the \$5.6 million recovery on behalf of participants in an ESOP plan in *In re*  
 2 *National City Corp. Sec., Deriv. & ERISA Litig.*, 09-MC-70002-SO (N.D. Ohio).

3 7. Squitieri & Fearon, LLP has received commendations from many courts before  
 4 whom they have appeared. *See Damon Trust v. Ford*, 03-CV-135 (W.D. Mich. 2003) (after  
 5 helping recover \$6 million on behalf of Mackinac Financial Corp. f/k/a North Country Financial  
 6 Corp. in shareholder derivative action, this firm (one of two trial counsel) was lauded by the  
 7 Court: "...the plaintiffs' lawyers did a good job...they were successful almost a hundred percent);  
 8 *In re Waste Management, Inc. Securities Litig.*, 97-CV-7709 (N.D. Ill. 1999) (\$220 million  
 9 settlement in which United States District Court Judge Wayne R. Anderson favorably commented  
 10 on the lawyers who actually litigated the case, including Lee Squitieri: "you have acted the way  
 11 lawyers at their best ought to act. And I have a lot of cases...in 15 years now as a judge and I  
 12 cannot recall a significant case where I felt people were better represented than they are here...I  
 13 would say this has been the best representation that I have seen. But I really mean that."); *In re*  
 14 *Seagate Technology, Inc.*, C.A. No. 17932-NC (Del. Ch. Ct. 2002), (Vice Chancellor Leo E.  
 15 Strine commented: "Clearly, plaintiffs hit upon some-some very interesting facts, and they put in  
 16 a lot of – a lot of time, and they did highly skilled work against a highly skilled opposition.").

17 8. Squitieri & Fearon has been appointed as lead counsel or co-lead counsel by courts  
 18 across the country, and is currently lead or co-lead counsel in the following nationwide class  
 19 action cases: *Breadthauer, et al. v. Lundstom, et al.*, 10-CV-3132 (D.Neb.); *In re Live Concert*  
 20 *Antitrust Litig., et al.*, 06-CV-1745 (C.D. Cal); *In re Pilgrim's Pride Stock Investment Plan*  
 21 *ERISA Litig.*, 08-CV-472 (E.D. Tex); *In re Bank of America Corp. ERISA Litig.*, 09-MDL-2058  
 22 (S.D.N.Y.); *In re AIG ERISA Litig. II*, 08-CV-5722 (S.D.N.Y.); *Veera v. Ambac Plan*  
 23 *Administrative Committee et al*, 10-CV-4191 (HB); *In re SLM Corp. ERISA Litig.*, 08-CV-4334  
 24 (S.D.N.Y.); *Well v. WellPoint, Inc., et al.*, 08-CV-0486 (S.D. Indiana) (appointed to Executive  
 25 Committee for Plaintiffs and the Class); and *In re Verified Identity Pass, Inc. Consumer Litig.*,  
 26 09-CV-5951 (S.D.N.Y.).

9. Members of this firm are accomplished defenders of shareholder, consumers' and employees' rights as attested to by their successful results on behalf of classes in cases in which either firm members were the (or at least one of the) lead litigation lawyers:

- *In re National City Corp. Sec., Deriv. & ERISA Litig.*, 09-NC-70002-SO (N.D. Ohio) (recovery of \$5.6 million cash settlement)
- *In re Jamster Marketing Litig.*, MDL No. 1751 (S.D. Cal.) (negotiated refunds for a nationwide class of wireless telephone subscribers for unauthorized charges relating to mobile content from Jamster, such as ringtones and wallpaper for mobile phones).
- *Damon Trust v. Ford*, 03-CV-135 (W.D. Mich. 2003) (recovery of \$6 million cash in shareholder derivative action just days before trial).
- *CA, Inc. Shareholders' Derivative Litigation Employee Option Action*, No. 06-5026 (TCP) (negotiated the implementation of significant corporate governance enhancements, including a "Clawback Policy" allowing Board Committee to direct CA to recover compensation awards after final results restated).
- *In Re Schering Plough Corporation Shareholders Derivative Litigation*, 01-CV-1412 (D.N.J.) (significant changes to Company's corporate governance structure and management level changes described by Court as "significant" and "substantial" involving "wholesale restructuring of a major corporation's governance and compliance functions.").
- *In re Bristol Myers Squibb Company Derivative Litigation*, 02-CV-8571 (facilitated recovery of \$200 million on behalf of Company and negotiated the implementation of significant corporate governance enhancements for the Company).
- *Laufer v. Lucent Technologies, Inc.*, 01-CV-5229 (D.N.J.) (recovery of approximately 35% of bond purchasers' losses).
- *In re Seagate Technology, Inc. Shareholders Litigation*, C.A. No. 17932-NC (Del. Ch. Ct. 2000) (approximately \$200 million in incremental benefits for shareholders).
- *In re Westinghouse Securities Litigation*, 91-CV-354 (W.D. Pa. 1999) (\$67 million recovery).
- *In re National Health Laboratories Securities Litigation*, 92-CV-1949 (S.D. Cal. 1995) (\$64 million recovery).
- *In re National Medical Enterprises Securities Litigation*, 91-CV-5452 (C.D. Cal. 1994) (\$60.7 million recovery).

- *In re Coram Healthcare Corp. Securities Litigation*, Master File No. 95-N-2074 (D. Colo. 1997) (\$47 million recovery).
- *In re Leslie Fay Securities Litigation*, Master File No. 92-CV-8036 (S.D.N.Y.) (\$35 million recovery).
- *Demint v. Nationsbank of Florida, et al.*, 94-995-CIV-T-23B (U.S.D.C. Middle District of Florida, Tampa Division 1996) (partial settlement of certain claims for \$25 million, remainder of claims settled for \$30 million).
- *In re Sun Healthcare Group, Inc. Litigation*, 95-CV-7005 JC/WWD (D.N.M.) (\$24 million recovery).
- *In re Caterpillar, Inc. Securities Litigation*, 90-CV-1238, 90-CV-1242 (C.D. Ill.) (\$23 million recovery).

10. Squitieri & Fearon, LLP has also handled hundreds of product liability mass tort cases and has successfully recovered millions of dollars for its clients who have been injured by defective pharmaceuticals. The firm was appointed by the court as liaison counsel for plaintiffs in the consolidated mass tort pharmaceutical cases of *In Re: New York Phenylpropanolamine (PPA) Products Liability Litigation*, Master Index No. 761,000/03 (Supreme Court, New York County) and *In Re: New York Rezulin Products Liability Litigation*, Master Index Number 752,000/00 (Supreme Court, New York County). In that regard Squitieri & Fearon, LLP partner Stephen J. Fearon, Jr. was named one of the best mass tort lawyers by *The New York Magazine* in December 2009.

11. Squitieri & Fearon has dedicated substantial resources to the prosecution of this matter. Since November, 2010, Squitieri & Fearon has dedicated substantial time and effort in identifying and investigating the potential claims in this action and how those claims may be properly certified. Going forward, Squitieri & Fearon intends to continue this same level of dedication in the prosecution of this matter.

12. Squitieri & Fearon has both the experience and resources to prosecute this suit and adequately represent the putative class.

13. In his Declaration, Robert S. Arns alleges that “on information and belief,” counsel formerly associated with Squitieri & Fearon in *J.N. v. Facebook, Inc.*, Civ. No. 11-2128-(FB)-

(ALC) (E.D.N.Y.), have “been in contact with at least one of the proposed recipients of *cy pres* monies under the *Fraley* Settlement.” See *Declaration of Robert S. Arns In support of Opposition to Motion to Intervene* [ECF No. 190-1] (“Arns Declaration”). This accusation lacks merit.

14. Although throughout the prosecution of the *C.M.D.* Action, I have been in contact with numerous experts in the field of privacy and minor advocacy, I have not spoken with or attempted to contact any of the potential *cy pres* recipients to the *Fraley* Settlement. Nor has Garry Stevens or any other member of my Firm.

15. The only other counsel “formerly associated with *C.M.D.* counsel” is attorney Joseph R. Santoli, Squitieri & Fearon’s co-counsel in *J.N. v. Facebook*. Mr. Santoli is not counsel to the *C.M.D.* Action. Moreover, as is the case with me and the members of my firm, although Joseph Santoli has been in contact with numerous experts in the field of privacy and minor advocacy, he has not spoken to or attempted to contact any of the potential *cy pres* recipients to the *Fraley* Settlement.

16. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on Monday, July 9, 2012 in New York, New York.

/s/ Lee Squitieri  
 Lee Squitieri  
 SQUITIERI & FEARON, LLP  
 32 E. 57th St. 12th Floor  
 New York, New York 10022  
 Tel: 212.421.6492  
 Fax: 212.421.6553  
 lee@sfclasslaw.com

*Attorneys for Plaintiffs*